

AFB643



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/441,035
	Filing Date	November 16, 1999
	First Named Inventor	Prullage, Joseph B.
	Group Art Unit	3643
	Examiner Name	K. Rowan
Total Number of Pages in This Submission	Attorney Docket Number	018794-000400US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Request for Reconsideration of the Finality of the Last Office Action Under MPEP §706.07(d)
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

RECEIVED

NOV 06 2002

GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Joseph R. Snyder	Reg. No. 39,381
Signature		
Date	October 30, 2002	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date:		
		October 30, 2002
Typed or printed name	Debra Ann DeBello	
Signature		Date: October 30, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
 WC 9048963 v1



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

On October 30, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Debra Ann DeBello  
Debra Ann DeBello

21  
Reg. for  
PATENT  
Attorney Docket No.: 018794-000400US

RECEIVED  
NOV 06 2002  
GROUP 3600  
11-8-02

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph B. Prullage

Application No.: 09/441,035

Filed: November 16, 1999

For: INSECT BAIT STATION

Examiner: K. Rowan

Art Unit: 3643

REQUEST FOR RECONSIDERATION OF  
THE FINALITY OF THE LAST OFFICE  
ACTION UNDER MPEP §706.07(d)

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed October 17, 2002, Applicant respectfully requests withdrawal of the finality of the last Office Action as being premature.

Under MPEP § 706.07(b), it is not proper to make final a first Office action following a request for continued examination (RCE) under 37 CFR 1.114 where all claims are *not* drawn to the same invention prior to entry of the RCE.

With entry of the RCE, claim 35 was newly added. Therefore, Applicant respectfully requests that the Examiner withdraw the finality of the last Office Action.

Further, Applicant has not been afforded an opportunity to respond to the Examiner's response to the previously submitted Declaration. As such, Applicant

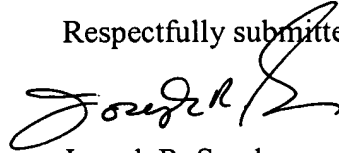
Joseph B. Prullage  
Application No.: 09/441,035  
Page 2

PATENT

respectfully requests that the Examiner withdraw the finality of the previous Office Action.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Joseph R. Snyder  
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
JS:js  
WC 9048960 v1